

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
WINCHESTER DIVISION

FILED

2009 SEP 22 P 1:21

U.S. DISTRICT COURT  
EASTERN DIST. TENN.

BY \_\_\_\_\_ SEP CLERK

CAIN FIELD NURSERY, BONITA FARM )  
NURSERY, TRAVIS WANAMAKER, )  
ANTHONY WANAMAKER AND )  
CATRENIA WANAMAKER )

Plaintiffs, )

v. )

SUZANNE NORTH, INDIVIDUALLY; )  
CINDY ANDERSON, INDIVIDUALLY; )  
RICHARD MACKIE, INDIVIDUALLY; )  
SUZANNE NORTH DBA SUMMITVILLE )  
CROP INSURANCE AGENCY; CINDY )  
ANDERSON DBA SUMMITVILLE CROP )  
INSURANCE AGENCY; RICHARD )  
MACKIE DBA SUMMITVILLE CROP )  
INSURANCE AGENCY; AND )  
SUMMITVILLE CROP INSURANCE )  
AGENCY, )

Defendants. )

Civil Action No: 4:09-cv-98  
JURY DEMANDED  
*Mattie Lee*  
Removed from Circuit Court  
of Grundy County, Tennessee  
No. 8137

**NOTICE OF REMOVAL**

Come now SUZANNE NORTH, INDIVIDUALLY; CINDY ANDERSON, INDIVIDUALLY; SUZANNE NORTH d/b/a SUMMITVILLE CROP INSURANCE AGENCY; CINDY ANDERSON d/b/a SUMMITVILLE CROP INSURANCE AGENCY, and SUMMITVILLE CROP INSURANCE AGENCY, and file this Notice of Removal by showing the Court as follows:

1.

A civil action was filed by Plaintiffs in the Circuit Court for Grundy County, State of Tennessee, naming the Defendants SUZANNE NORTH, INDIVIDUALLY; CINDY ANDERSON, INDIVIDUALLY; SUZANNE NORTH d/b/a SUMMITVILLE CROP INSURANCE AGENCY; CINDY ANDERSON d/b/a SUMMITVILLE CROP INSURANCE

AGENCY, and SUMMITVILLE CROP INSURANCE AGENCY, being Civil Action No. 8137, the Complaint and all process and orders served upon such Defendants in such action being attached hereto as Exhibit "A." Defendants Suzanne North and Cindy Anderson, individually, and Summitville Crop Insurance Agency were served on 8/24/2009. Plaintiffs also filed a Complaint in the U. S. District Court for the Eastern District of Tennessee, Winchester Division, attached hereto as Exhibit "B." Examination of Plaintiffs Complaints filed in the State and Federal courts show the underlying cause of action clearly involves interpretation and remedies under the Federal Crop Insurance Act.

2.

The foregoing action is properly removable to this Court pursuant to 28 U.S.C. §1441(a), 28 U.S.C. §§ 1446 (a) and (b), and in accordance with 28 U.S.C. § 1331, federal question, where jurisdiction arises under an act of Congress, i.e., the Federal Crop Insurance Act, 7 U.S.C. §1501 et. seq.

3.

Now within thirty days after the receipt by the Defendant of a copy of the initial pleading setting forth the claim upon which the Plaintiff's action is based, notice is hereby given, in accordance with 28 U.S.C. § 1446 and pursuant to Rule 81 of the Federal Rules of Civil Procedure, of the removal of so said action to this Court.

Respectfully submitted,

**HALL, BOOTH, SMITH & SLOVER, P.C.**

By:



Charles E. Moody (BPR# 0011068)  
Admitted pro hac vice  
The Tower  
611 Commerce Street, Suite 3000  
Nashville, Tennessee 37203  
(615) 313-9911

*Attorney for Defendants, Suzanne North, Cindy  
Anderson and Summitville Crop Insurance Agency*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was sent via U.S. Mail, postage prepaid, to the following on this 22 day of Sept, 2009.

Ira S. Kilburn, Esq.  
Law Office of Ira S. Kilburn  
367 Woods Ln.  
P. O. Box 356  
Salt Lick, KY 40371

*Attorneys for Plaintiff*

Stephen E. Neal, Esq.  
White Peck Carrington, LLP  
P. O. Box 950  
Mt. Sterling, KY 40353

*Attorneys for Plaintiff*

Gregory W. Callaway, Esq.  
Howell & Fisher PLLC  
Court Sq. Bldg.  
300 James Robertson Pkwy.  
Nashville, TN 37201-1107

*Attorneys for Co-Defendant, Richard Mackie*

**HALL, BOOTH, SMITH & SLOVER, P.C.**

By:



Charles E. Moody

SUMMONS

STATE OF TENNESSEE

CIRCUIT COURT OF GRUNDY COUNTY

Gain Field Nursery, Bonita Farm Nursery,  
Travis Wanamaker, Anthony Wanamaker,  
Catrenia Wanamaker

Plaintiff

vs.

Suzanne North  
Summitville Crop Insurance Agency  
219 Clark Road  
Summitville, TN 37382  
(Coffee County)

Defendant

Defendant

**DEFENDANTS COPY**

CIVIL ACTION

No.

8137

SUMMONS

To the above named Defendant(s):

You are hereby summoned and required to serve upon Hon. Stephen E. Neal  
 plaintiff's attorney, whose address is P.O. Box 950, Mt. Sterling, Kentucky 40353  
 an answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons  
 upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the  
 relief demanded in the complaint.

Witness, Marcia Bess, Clerk of said court, at office the \_\_\_\_\_ in \_\_\_\_\_ A. D., 20 \_\_\_\_.

Issued the 4 day of Aug, 2009.Marcia Bess ClerkBy [Signature]

Deputy Clerk

Received this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Deputy Sheriff

(This summons is issued pursuant to Rule 4 of the Tennessee Rules of Civil Procedure.)

## RETURN ON SERVICE OF SUMMONS

I certify that I served this summons together with the complaint as follows:

- ☐ On \_\_\_\_\_, 20\_\_\_\_, I delivered a copy of the summons and complaint to the defendant \_\_\_\_\_ personally at \_\_\_\_\_ residence at \_\_\_\_\_ personally at \_\_\_\_\_ place of employment \_\_\_\_\_
- ☐ Failed to serve this summons within 30 days after its issuance because: \_\_\_\_\_

\_\_\_\_\_  
Sheriff

\_\_\_\_\_  
Deputy Sheriff

## NOTICE

## TO THE DEFENDANT(S):

Tennessee law provides a Four Thousand dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior of the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

